

REMARKS

In the Office Action, claims 1-3, 5-8, 10, 20-22, 24 and 25 are rejected under 35 U.S.C § 102 in view of European Patent No. 1,236,405 (“*Fritzsche*”); claims 9-12 and 15-19 are rejected under 35 U.S.C. § 102 in view of U.S. Patent No. 6,365,218 (“*Borschel*”). Claims 9 and 19 have been amended; claim 14 has been cancelled without prejudice or disclaimer; and claims 26-32 have been added. Applicants believe that the rejections have been overcome or are improper in view of the amendments and/or for the reasons set forth below. With respect to the rejection in view of *Fritzsche*, Applicants believe that this reference should be precluded as prior art. In this regard, the publication date for the *Fritzsche* reference is September 4, 2002. Indeed, the filing date, namely June 7, 2001, of the present application predates the *Fritzsche* publication date. Therefore, *Fritzsche* should be precluded as prior art and thus the anticipation rejection with respect to claims 1-3, 5-8, 10, 20-22, 24 and 25 in view of same should be withdrawn.

In the Office Action, claims 9-12 and 15-19 are rejected as anticipated by the *Borschel* reference as discussed above. However, the Patent Office has indicated that claim 14 would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

In response, Applicants have amended independent claims 9 and 19 to include the limitations as defined in claim 14. The remaining pending claims at issue dependent from claim 9 and thus as a matter of law incorporate each of the features of independent claim 9. Therefore, Applicant believe that this rejection has been overcome.

Accordingly, Applicants respectfully request that the rejection with respect to claims 9-12 and 15-19 under 35 U.S.C. § 102 be withdrawn.

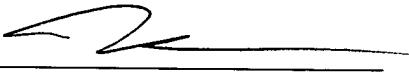
Applicants note that claims 26-32 have been added at this stage in the prosecution. Of these claims, claim 26 is the sole independent claim. Newly added claim 26 relates to an infant formula in liquid form. The infant formula includes a protein source that provides approximately 0.5 to about 10% based on weight of the formula and includes a soy hydrolysate isolate; a carbohydrate source; a fat source; a stabilizer system; and vitamins and minerals wherein the stabilizer system includes high amylose starch and carrageenan. Applicants believe that newly added claims 26-32 are patentable over the cited art and thus should be allowed.

Applicants note for the record that claim 17 has been amended for clarification purposes, and thus Applicants did not intend to narrow and/or disclaim any claimed subject matter in view of same.

For the foregoing reasons, Applicants respectfully submit that the present application is in condition for allowance and earnestly solicit reconsideration of same.

Respectfully submitted,

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